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APPLICATION NO.	FILING I	DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/665,128 09/22/2003		Michael E. Thomas	H0003933-US	5400	
21567	7590	08/27/2004		EXAMINER	
	. JOHN P.S.	SHEEHAN, JOHN P			
601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201				ART UNIT	PAPER NUMBER
				1742	, , , , , , , , , , , , , , , , , , ,

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address —			
Doth P Sheehan		Application No.	Applicant(s)
John P. Sheehan The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherison of ten may be available under the provision of 3° CFR 1.13(6), in no event, however, may a reply be timely filed Eatherison of ten may be available under the provision of 3° CFR 1.13(6), in no event, however, may a reply be timely filed Eatherison of ten give psecified above is test then filty (20) days, a reply whith the stability (20) days will be considered timely. If the period for reply septicated dows, he maximum stabluty period will be paidulery minimum of thinty (30) days will be considered timely. If the period for reply septicated dows, he maximum stablusy period will specified (50) (40) NTS from the mailing date of the communication, even if finally filed, may reduce a my earned patent term adjustment. See 3° CFR 1.70(b): Status 1)⊠ Responsive to communication(s) filed on 08 June 2004. 2a)□ This action is FINAL. 2b)□ This action is FINAL. 2c)□ This action is FINAL. 2c)□ This action is replaced by the provision of replaced and the maximum and the period will be action of the communication. 4a) Of the above claim(s) is a start of the start of the start of the communication. 4a) Claim(s) is/are allowed. 4b)□ Claim(s) is/are allowed. Claim(s) is/are allowed. 6c)□ Claim(s) is/are allowed. 6c)□ Claim(s) is/are allowed. 6c)□ Claim(s) is/are allowed. 6c)□ Claim(s) is/are are subjected to by the Examiner. 7c)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 7c)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection is required if the drawing(s)		10/665,128	THOMAS ET AL.
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1)⊠ Responsive to communication(s) filed on 08 June 2004. 2a)□ This action is FINAL. 2b)□ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)□ Claim(s) 1-27 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)□ Claim(s) is/are allowed. 6)□ Claim(s) is/are objected to. 8)□ Claim(s) 1-27 are subject to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	THE MAILING DATE OF THIS COMMUNICATIO - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a - If NO period for reply is specified above, the maximum statutory per - Failure to reply within the set or extended period for reply will, by state than three months after the maximum state the maximum status or the	N. R.1.136(a). In no event, however, may a reply within the statutory minimum of thir iod will apply and will expire SIX (6) MON atute, cause the application to become Al	reply be timely filed rty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date		08) 5) Notice of I	nformal Patent Application (PTO-152)

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DETAILED ACTION

Election/Restrictions

- 1. Claim 1 is generic to a plurality of disclosed patentably distinct species comprising:
 - I. Lithium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.
 - II. Sodium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.
 - III. Potassium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium,

molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.

- IV. Rubidium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.
- V. Cesium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.
- VI. Francium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.
- VII. Vanadium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one

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element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.

- VIII. Niobium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.
- IX. Tantalum based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.
- X. Chromium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.

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XI. Molybdenum based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.

XII. Tungsten based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.

XIII. Iron based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.

IXV. Ruthenium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum,

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chromium, molybdenum, tungsten, iron, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.

XV. Osmium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, cobalt, rhodium, iridium, nickel, palladium and platinum.

XVI. Cobalt based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, rhodium, iridium, nickel, palladium and platinum.

XVII. Rhodium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, iridium, nickel, palladium and platinum.

XVIII. Iridium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one

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element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, nickel, palladium and platinum.

- IXX. Nickel based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, palladium and platinum.
- XX. Palladium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, and platinum.
- XXI. Platinum based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel and palladium.

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XXII. Alloys containing no base metal, that is, alloys wherein there is no single metal over 50 weight percent and comprising at least 2 elements selected from the group consisting of Lithium based alloys containing at least one element selected from the groups 1, 5, 6, 8, 9 and 10 of the periodic table that at least one element selected from the group consisting of hydrogen, lithium, sodium, potassium, rubidium, cesium, francium, vanadium, niobium, tantalum, chromium, molybdenum, tungsten, iron, ruthenium, osmium, cobalt, rhodium, iridium, nickel, palladium and platinum.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed, see MPEP 803.02 and 809.02(d).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Sheehan whose telephone number is (571) 272-1249. The examiner can normally be reached on T-F (6:45-4:30) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John P. Sheehan Primary Examiner Art Unit 1742